IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

WEDNESDAY, THE 1ST AUGUST 2007 / 10TH SRAVANA 1929

WA.No. 2872 of 2002()

AGAINST THE JUDGEMENT IN OP.31627/2001
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APPELLANT: RESPONDENTS:
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1. THE REGIONAL TRANSPORT AUTHORITY,
KOZHIKODE, REP. BY ITS SECRETARY.

2. THE SECRETARY, REGIONAL TRANSPORT
AUTHORITY, KOZHIKODE.

BY SPL.GOVERNMENT PLEADER C.T.RAVIKUMAR.

RESPONDENTS: PETITIONER & R3 & R4 IN THE O.P.
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1. K.P. AJITHKUMAR, POYIL HOUSE,
NANMINDA, CALICUT.

2. EX-SERVICEMAN'S CO-OPERATIVE SOCIETY,
LTD.,REP. BY ITS SECRETARY, KOZHIKODE.

3. DISTRICT TRANSPORT OFFICER,
K.S.R.T.C., KOZHIKODE.

BY ADV. SMT.SUMATHI DANDAPANI

THIS WRIT APPEAL HAVING COME UP ADMISSION ON 01/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & T.I.HARUN-UL-RASHID, J.

W.A.No.2872 of 2002 & C.M.P.No.7703 of 2002

Dated this the Ist day of August, 2007.

J U D G M E N T

H.L.Dattu, CJ.

The delay in filing the Writ Appeal is condoned.

2. This appeal arises out of a common order passed by the learned Single Judge in O.P.No.17712 of 2001 and O.P.No.31627 of 2001.

3. Being aggrieved by the orders passed in O.P.No.17712 of 2001, a third party had filed Writ Appeal No. 1529 of 2002, before this Court. This Court by order dated 22-7-2002 has rejected that Writ Appeal.

4. Challenging the order passed in O.P.31627 of 2001, the State has preferred this Writ Appeal before us.

5. The issues raised in Writ Appeal No.1529 of 2002 and the issues raised in the present appeal are identical. In that view of the matter, the order passed in W.A.No.1529 of 2002 on 22-7-2002 applies to this Writ Appeal also.

6. Accordingly, the Writ Appeal filed by the State against the orders passed in O.P.No.31627 of 2001 is rejected.

7. Consequently, C.M.P.No.7704 of 2002 is also dismissed.

Ordered accordingly.

(H.L.DATTU)
CHIEF JUSTICE

(HARUN-AL-RASHID)
JUDGE

MS

H.L.DATTU, CJ. &
T.I.HARUN-UL-RASHID,J

W.A.No.2872 of 2002

JUDGMENT

DATED IST AUGUST, 20076